

§ 190.4

32 CFR Ch. I (7–1–03 Edition)

Natural Resources. Land, water, and their associated flora and fauna.

Natural Resources Management Professional. Individual with an undergraduate or graduate degree in a natural resources-related science and who has responsibility for managing natural resources on a regular basis.

Nongame Species. Species not harvested for recreation or subsistence purposes.

Noxious Weeds. Plant species identified by Federal or State Agencies as requiring control or eradication.

Off-road Vehicle. A vehicle designed for travel on natural terrain. The term excludes a registered motorboat confined to use on open water and a military, emergency, or law enforcement vehicle during use by an employee or agent of the Government or one of its contractors in the course of employment or agency representation.

Outdoor Recreation. Program, activity, or opportunity dependent on the natural environment. Examples are hunting, fishing, trapping, picnicking, birdwatching, off-road vehicle use, hiking and interpretive trails, wild and scenic river use, and underdeveloped camping areas. Developed or constructed facilities such as golf courses, tennis courts, riding stables, lodging facilities, boat launching ramps, and marinas are not included.

Sustained Yield. Production of renewable natural resources at a level when harvest or consumptive use does not exceed net growth.

§ 190.4 Policy.

(a) The Department of Defense shall act responsibly in the public interest in managing its lands and natural resources. There shall be a conscious and active concern for the inherent value of natural resources in all DoD plans, actions, and programs.

(b) Natural resources under control of the Department of Defense shall be managed to support the military mission, while practicing the principles of multiple use and sustained yield, using scientific methods and an interdisciplinary approach. The conservation of natural resources and the military mission need not and shall not be mutually exclusive.

(c) Watersheds and natural landscapes, soils, forests, fish and wildlife, and protected species shall be conserved and managed as vital elements of DoD's natural resources program.

(d) DoD actions that affect natural resources in the United States shall comply with the policy and requirements of 32 CFR part 188 and the more stringent of applicable Federal or local laws. DoD actions that influence natural resources in foreign countries or global commons shall conform to requirements of 32 CFR part 187 applicable laws, treaties, and agreements.

(e) Integrated natural resources management plans that incorporate applicable provisions of the Appendix to this part shall be maintained for DoD lands.

(f) DoD decisionmakers and commanders shall keep informed of the conditions of natural resources, the objectives of natural resources management plans, and potential or actual conflicts between DoD actions and management plans and the policies and procedures herein.

(g) DoD lands shall be available to the public and DoD employees for enjoyment and use of natural resources, except when a specific determination has been made that a military mission prevents such access for safety or security reasons or that the natural resources will not support such usage. The determination shall be addressed in the applicable natural resources management plan. To assist in the management, study, or monitoring of natural resources, Federal, State and local officials and natural resources management professionals shall be permitted access to natural resources after proper safety and security measures are taken.

(h) The management and conservation of natural resources under DoD stewardship is an inherently governmental function. Therefore, 32 CFR part 169 does not apply to the management, implementation, planning, or enforcement of DoD natural resources programs. However, support to the natural resources program when it is severable from management of natural resources may be subject to 32 CFR part 169.

(i) If natural resources under DoD control are damaged by a hazardous

substance released by another party, that party is potentially liable. The funds recovered by the Department of Defense as a result of natural resources damage claims shall be used for restoration, replacement, or acquisition of equivalent natural resources.

(j) Enforcement of laws primarily aimed at protecting natural resources and recreation activities that depend on natural resources is an integral part of a natural resources program and shall be coordinated with or under the direction of the natural resources manager for the affected area.

[54 FR 7539, Feb. 22, 1989. Redesignated and amended at 56 FR 64481, Dec. 10, 1991]

§ 190.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Production and Logistics)* (ASD(P&L)) shall:

(1) Establish and monitor implementation of natural resources management policies for DoD properties and actions.

(2) Coordinate the DoD natural resources program with other Federal Agencies.

(3) Maintain the Secretary of Defense Natural Resources Conservation Awards Program established herein and described in DoD Instruction 4700.2²

(4) Designate a chairperson for the DoD Natural Resources Council (DNRC) established in paragraph (b) of this section.

(5) Establish policy and direction for the DoD reserve account established by 10 U.S.C. 2665.

(b) The *Director, Defense Research and Engineering*, through the *Deputy Under Secretary of Defense (Research and Advanced Technology)* (DUSD(R&AT)), shall conduct appropriate research, development, tests, and evaluations to support integrated natural resources management programs.

(c) The *Heads of the Military Services and Directors of Defense Agencies delegated land management responsibilities* shall:

(1) Maintain an organizational capability and program resources necessary

to establish and maintain integrated natural resources management programs as prescribed in this part.

(2) Maintain at all levels of command the interdisciplinary natural resources expertise necessary to implement this program and provide for their continued professional training.

(3) Ensure that effective natural resources management is an identifiable function and is specifically accountable in performance evaluations at each command level.

(4) Provide for technical reviews and onsite assessments of installations' natural resources programs at least each 3 years by natural resources management professionals, take necessary corrective actions, and include natural resources programs in management reviews.

(5) Develop criteria and procedures for cooperative planning and integrated natural resources management planning processes.

(6) Act as trustees for natural resources under their jurisdiction.

(7) Maintain records necessary to monitor and evaluate natural resources under their management and provide requested information to the ASD(P&L), other agencies with jurisdiction, and the public.

(d) The *Heads of DoD Components* shall coordinate proposals for new and continuing actions that affect natural resources with the managers of those resources.

(e) *Installation Commanders* shall:

(1) Conduct integrated natural resources management programs to comply with this part.

(2) Enter into cooperative plans that may be developed on behalf of the Secretary of Defense pursuant to the Sikes Act.

[54 FR 7539, Feb. 22, 1989. Redesignated and amended at 56 FR 64481, Dec. 10, 1991]

§ 190.6 Procedures.

(a) Procedures shall be established by DoD Components to ensure that current and planned mission activities (e.g., master planning, construction requests, site approval requests, and training exercise plans) are effectively coordinated in a timely manner with appropriate natural resources managers.

²Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.